2007 DRAFTING REQUEST

Assembly Amendment (AA-SSA1-SB40)

Wanted: Soon Identical to LRB: For: Legislative Fiscal Bureau By/Representing: Runde (DL) This file may be shown to any legislator: NO Drafter: rchampag May Contact: Addl. Drafters: Subject: State Finance - bonding Extra Copies: Submit via email: YES Requester's email: Carbon copy (CC:) to: Pre Topie: Limit new bonding authorizations (Assembly) Instructions: Limit GPR-supported GO bonding under state building program to \$430 million per biennium Drafting History: Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Requester Submitted	Received: 06/25/2007					Received By: rchampag			
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FE Sent For:

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Subject:	State Fi	nance - bondin	g		Extra Copies:			
Submit vi	a email: YES							
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Topic:		
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Instructions:		
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Drafting Histo	ory:	
Vers. Draf	mpag Reviewed Typed Proofed	Submitted Jacketed Required



State of Misconsin 2007 - 2008 LEGISLATURE

LRBb0634/1 RAC:...:...

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LFB:.....Runde (DL) - Limit new bonding authorizations

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT, TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2007 SENATE BILL 40

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1	At the locations indicat	ed, amend	the substitute	amendment	as follows:

1. Page 58, line 4: after that line insert:

"Section 137d. 18.04 (1) (intro.) of the statutes is amended to read:

18.04 (1) (intro.) The Subject to sub. (7), the commission may authorize public debt to be contracted and evidences of indebtedness to be issued therefor in an amount sufficient to fund or refund, as provided in s. 18.06 (5), or to fund, refund or acquire for any of the purposes set forth in sub. (5) and as provided in s. 18.06 (7), the whole or any part of:

History: 1973 c. 90 s. 555m (2); 1975 c. 26; 1977 c. 29 s. 1652; 1977 c. 317; 1985 a. 6; 1987 a. 27; 1989 a. 31, 46; 2005 a. 22. SECTION 137h. 18.04 (2) of the statutes is amended to read: (END)



 $LFB{:}.....Runde\ (DL)\ \hbox{--}\ Limit\ new\ bonding\ authorizations}$

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT,

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2007 SENATE BILL 40

1	At the locations indicated, amend the substitute amendment as follows:
12	1. Page 58, line 4: after that line insert:
3	"Section 137d. 18.04 (1) (intro.) of the statutes is amended to read:
4	18.04 (1) (intro.) The Subject to sub. (7), the commission may authorize public
5	debt to be contracted and evidences of indebtedness to be issued therefor in an
6	amount sufficient to fund or refund, as provided in s. 18.06 (5), or to fund, refund or
7	acquire for any of the purposes set forth in sub. (5) and as provided in s. 18.06 (7),
8	the whole or any part of:
9	SECTION 137h. 18.04 (2) of the statutes is amended to read:

18.04 (2) The Subject to sub. (7), the commission shall authorize public debt
to be contracted and evidences of indebtedness to be issued for the debt up to the
amounts specified by the legislature to acquire, construct, develop, extend, enlarge
or improve land, waters, property, highways, buildings, equipment or facilities or to
make funds available for veterans housing loans for the classes of public purposes
specified by the legislature as the funds are required. The requirements for funds
shall be established by that department or agency head having program
responsibilities for which public debt has been authorized by the legislature.

SECTION 137p. 18.04 (5) (intro.) of the statutes is amended to read:

18.04 (5) (intro.) Public Subject to sub. (7), public debt may be contracted under sub. (1) for any of the following purposes:

SECTION 137t. 18.04 (7) of the statutes is created to read:

18.04 (7) The commission may not authorize any new public debt, the debt service of which is paid from general purpose revenue, to be contracted in an amount exceeding \$430,000,000 in any fiscal biennium.".

(END)



2007-2008 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

1. Page 77, line 2: after that line insert:

"Section 174c. 20.003 (6) of the statutes is created to read:

20.003 (6) RESTRICTION ON AUTHORIZATION OF CERTAIN PUBLIC DEBT. No bill may be enacted by the legislature that would authorize any new public debt, the debt service of which is paid from general purpose revenue, to be contracted in an amount exceeding \$430,000,000 in any fiscal biennium for projects enumerated in the long-range state building program.".

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRBb0634/2dn RAC:bjk&kjf:rs

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Al Runde:

Please note that s. 20.003 (6) is not legally enforceable, but rather is a rule of proceeding under article IV, section 8, of the Wisconsin Constitution. The supreme court has held that the remedy for noncompliance with this type of provision lies exclusively within the legislative branch. See *State ex rel. La Follette v. Stitt*, 114 Wis. 2d 358, 363–369 (1983). In other words, while this type of provision may be effective to govern internal legislative procedure, the courts will not enforce this type of provision if the legislature does not follow it.

Rick A. Champagne Senior Legislative Attorney Phone: (608) 266–9930

E-mail: rick.champagne@legis.wisconsin.gov

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRBb0634/2dn RAC:kjf:jf

June 27, 2007

Al Runde:

Please note that s. 20.003 (6) is not legally enforceable, but rather is a rule of proceeding under article IV, section 8, of the Wisconsin Constitution. The supreme court has held that the remedy for noncompliance with this type of provision lies exclusively within the legislative branch. See *State ex rel. La Follette v. Stitt*, 114 Wis. 2d 358, 363–369 (1983). In other words, while this type of provision may be effective to govern internal legislative procedure, the courts will not enforce this type of provision if the legislature does not follow it.

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E-mail: rick.champagne@legis.wisconsin.gov



State of Misconsin 2007 - 2008 LEGISLATURE

LRBb0634/2 RAC:bjk&kjf:jf

LFB:.....Runde (DL) – Limit new bonding authorizations (Assembly) FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION ASSEMBLY AMENDMENT, TO SENATE SUBSTITUTE AMENDMENT 1, TO 2007 SENATE BILL 40

At the locations indicated, amend the substitute amendment as follows:

1. Page 77, line 2: after that line insert:

"Section 174c. 20.003 (6) of the statutes is created to read:

20.003 (6) RESTRICTION ON AUTHORIZATION OF CERTAIN PUBLIC DEBT. No bill may be enacted by the legislature that would authorize any new public debt, the debt service of which is paid from general purpose revenue, to be contracted in an amount exceeding \$430,000,000 in any fiscal biennium for projects enumerated in the long-range state building program."

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